Wittek Industries, Inc. *and* Linda Whiteside. Case 33–CA–10012

November 26, 1993

DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS DEVANEY AND RAUDABAUGH

The primary issues presented for Board review in this case are whether the judge violated the Respondent's due process rights by denying a request for continuance of the hearing and whether the judge correctly found that the Respondent violated Section 8(a)(1) of the Act by suspending and discharging two employees because they engaged in protected concerted activities.[1] The Board has considered the decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, as further explained below, findings,[2] and conclusions and to adopt the recommended Order.

We find no merit in the Respondent's argument that the judge's denial of its request for a continuance violated its due process rights. There is no dispute that the Respondent received timely notice of the original June 15, 1993[3] hearing date. On June 14, Adam Bourgeois Sr., the Respondent's attorney of record, filed a motion for a continuance, which stated that his attendance was required at another hearing that had been unexpectedly scheduled for June 15. The motion did not propose alternative hearing dates or indicate a potential schedule conflict beyond June 15. The judge granted the Respondent's motion and rescheduled the hearing for June 16. All parties received proper notice of this action.

On June 16, Ann Lynch, the Respondent's corporate legal counsel, appeared at the hearing and requested a further postponement. Lynch stated that Bourgeois had informed her that morning that he would be unable to attend the hearing. Professing unfamiliarity with the details of the case and with the procedures for unfair labor practice hearings, she requested a continuance for a couple of weeks in order to hire new counsel to replace Bourgeois. The General Counsel opposed this request, and the judge denied it.

It is undisputed that, prior to the Respondent's discharge of the two discriminatees, Lynch had attended an investigatory meeting in which the two discriminatees presented their evidence. Furthermore, during the General Counsel's presentation of the case-in-chief on June 16, Lynch had the opportunity to cross-examine, and did cross-examine each of the General Counsel's witnesses. At 3:15 p.m., the judge adjourned the hearing until the next morning. Lynch then contacted a potential witness for the Respondent, but she decided that she would not use him. When the hearing resumed at 9 a.m. on June 17, Lynch rested without presenting any witnesses in the Respondent's defense. She did not renew her request for a continuance. Lynch submitted a posthearing statement to the judge, with argument on the merits and citation to relevant precedent.

In the circumstances described above, there is no basis for finding prejudicial error in the judge's conduct of the hearing, nor is there any basis for granting the Respondent's request for a remand or a new hearing on the merits. We affirm the judge's ruling.

ORDER

The National Labor Relations Board adopts the recommended Order of the administrative law judge and orders that the Respondent Wittek Industries, Inc., Galesburg, Illinois, its officers, agents, successors, and assigns, shall take the action set forth in the Order.

DECISION

STATEMENT OF THE CASE

WILLIAM F. JACOBS, Administrative Law Judge. This case was heard in Peoria, Illinois, on June 16 and 17, 1993. The charge was filed by Linda Whiteside on November 30, 1992, and complaint issued on January 12, 1993, alleging that Wittek Industries, Inc. (Respondent or the Employer) first indefinitely suspended, then discharged its employees Linda Whiteside and Linda Peterson, because they engaged in protected concerted activities in violation of Section 8(a)(1) of the Act. In its answer, Respondent denied the commission of any unfair labor practices.

All parties were represented at the hearing and were afforded full opportunity to be heard and present evidence and

[1] On August 24, 1993, Administrative Law Judge William F. Jacobs issued the attached decision. The Respondent filed exceptions. The General Counsel filed a brief in support of the judge's decision.

[2] The Respondent has excepted to some of the judge's credibility findings. The Board's established policy is not to overrule an administrative law judge's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Standard Dry Wall Products*, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing the findings.

The Respondent has also alleged in exceptions that the judge's credibility resolutions, findings of fact, and conclusions of law are the results of bias. After careful examination of the entire record, we are satisfied that this allegation is without merit.

The Respondent suspended and discharged employees Whiteside and Peterson for ''instructing employees to assemble in the lunch room for a meeting'' during worktime. The judge found that Whiteside and Peterson were engaged, at all relevant times, in protected concerted activity. We agree further, assuming, arguendo, that the act of instructing employees to attend the meeting during worktime was unprotected, and assuming further that Respondent reasonably believed that the two employees engaged in that conduct, the preponderance of evidence proves that they did not in fact engage in that conduct. See *NLRB v. Burnup & Sims*, 379 U.S. 21 (1964); *Rubin Bros. Footwear*, 99 NLRB 610 (1952). In addition, we note that Respondent's director of human resources presided and spoke at the meeting.

[3] All dates hereafter refer to 1993.

argument. Briefs were filed by General Counsel and Respondent. On the entire record and my observation of the demeanor of the witnesses, I make the following

FINDINGS OF FACT

I. THE BUSINESS OF THE RESPONDENT

At all material times Respondent, an Ohio corporation, with an office and place of business in Galesburg, Illinois, has been engaged in the business of manufacturing hose clamps for the auto, aero, and appliance industries.

During the 12 months preceding the issuance of complaint, Respondent, in conducting its business operations, sold and shipped from its Galesburg, Illinois facility goods valued in excess of $50,000 directly to points outside the State of Illinois.

At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

II. THE UNFAIR LABOR PRACTICES

At all material times, the Respondent has maintained a set of plant rules of conduct and safety, rule A-1 of which states:

> Restricting, hindering, interfering with or the stoppage or slowdown of work of any kind whatsoever, for any reason whatsoever, or attempting to induce others to do so . . . is so detrimental to the continued efficient, orderly operation of the plant that termination without prior warning is the penalty.

Respondent employed Linda Whiteside and Linda Peterson as machine operators on the first shift in cell (department) 5. They worked as partners on the same machine.

Prior to July 2, 1992,[1] Respondent paid its employees weekly and by check. In the period immediately preceding this date, however, a number of employees' paychecks bounced. Employees who wrote personal checks on their deposited paychecks had those checks bounce also. In short order, the banks refused to accept their paychecks for deposit.

Respondent's employees began to discuss the check bouncing problem among themselves. On July 2, the problem came to a head when a number of employees left their machines and gathered in the cafeteria. These employees were followed by others until about 150 workers had concentrated there, sitting and waiting for management to come and address the problem. Finally, the owner, Carmen Viana and Director of Human Resources Ray Keegan came to the cafeteria and advised those present that henceforth their paychecks would be cashed in the office, by the Company.

A second meeting was scheduled by management for 3:30 that afternoon for employees who, for one reason or another, had not attended the earlier one. Peterson contacted Whiteside, who was on vacation at the time, and told her about the earlier meeting as well as the one scheduled for later in the day. Thereafter, Respondent continued to pay its employees by check, on a weekly basis, but immediately cashed their checks for them.

[1] Hereinafter, all dates are in 1992 unless indicated otherwise.

On November 12, Whiteside and Peterson reported to work and immediately set up their machine and began production. At 9:15 a.m. they took their breaks and headed for the cafeteria to spend the next 10 minutes, which was customary. On the way, they met employees Vi Gonzales, a cell 3 employee and Sheila Larkin, a cell 2 employee, returning from their breaks. Gonzales asked Whiteside and Peterson if they had gotten copies of the memo which she was carrying. She showed her copy to Whiteside and explained that it said that Respondent was going to change the weekly pay schedule from every week to every 2 weeks and from cash to checks. Whiteside read the memo which confirmed Gonzales' description of it. The new system was scheduled to become effective in January 1993.

Whiteside and Peterson continued on to the cafeteria where they joined employees Doug Beaty and Lyle Miles, setup men in cell 5. The four employees continued their break at one of the tables where they discussed the content of the memos, stacks of which had been placed in the cafeteria. All were against the change in the payroll schedule. They complained that recently the Employer was, at times, unable to meet the weekly payroll, and reasoned that it would be even more difficult to meet a 2-week payroll. Whiteside and Peterson voiced these concerns and asked what could be done about it. All were upset.

As the four employees discussed the payroll change, the director of manufacturing, Carl Rudd, walked by on the way to his office. The four shouted at Rudd, asking him if he knew anything about the memo or the pay change. Rudd replied that he did not know what they were talking about, but invited them to come to his office after the break. After the break, Beaty and two other employees went to Rudd's office while Whiteside and Peterson returned to their work stations.

In Rudd's office, Beaty and the other employees made it clear to Rudd how upset they were with the forthcoming payroll change. Rudd stated that he would find out what he could and get back to them. He asked them to return to work and they did so, but continued thereafter to talk about the problem among themselves. As Beaty testified, ''Everybody was kind of talking about it, the whole plant was pretty much in an uproar over the situation . . . .''

Meanwhile, Whiteside and Peterson returned to their machine and started it up in preparation for work. Within 5 minutes, however, a die broke and the machine stopped running. Whiteside called the setup men, Beaty or Miles, to get it going. They came over to try to figure out what was wrong with the machine, leaving Whiteside and Peterson with downtime.

Although machine breakdown is a common occurrence, there are no specific rules or requirements concerning what the machine operators are supposed to be doing while their machine is being repaired. They usually just chat, use the rest room, visit at another employee's work station, or sweep.

With the breakdown of their machine on the morning of November 12, Whiteside and Peterson took the occasion to walk over to cell 3 and talk to Gonzales whose machine was also down and who was sweeping at the time. Whiteside asked Gonzales what she thought of the changes described in the memo. Gonzales replied that it was a ''crock of shit,'' that ''it is not right'' and ''shouldn't happen.'' Whiteside

concurred with Gonzales' stated opinion, then she and Peterson returned to their machine.

When Whiteside and Peterson arrived back at cell 5, they found that it had not yet been repaired. While they were standing next to their machine, Sheila Larkin, located about 50 feet away, motioned for them to come over. They did so. Larkin, speaking about the new pay schedule, said, ''Its not right.'' Peterson agreed. Larkin said, ''I want a meeting. I want a meeting, now.'' She told Whiteside and Peterson that she was going to tell her team leader to call Keegan and see if he could arrange for a meeting. Peterson agreed that she too wanted a meeting. Larkin then walked away and Whiteside and Peterson proceeded to cell 1 to speak with employee Becky Wilson.

There, Whiteside asked Wilson what she thought of the memo and pay changes. Wilson said she did not like it and asked what could be done about it. She then raised her voice and told the other employees around her what Whiteside had asked her. They shook their heads and agreed that they did not like the planned changes. Following these several conversations, which took altogether about half an hour, Whiteside and Peterson returned to their work stations. On the way back, Peterson stopped off at cell 3 to talk to Mike Rasso, a supervisor. She asked Rasso what he thought of the new pay change situation and told him that the employees were angry. He replied that he did not blame them. Peterson advised Rasso that some of the employees wanted a meeting. Rasso told Peterson to talk to Rudd about it. Peterson did not take Rasso's suggestion because she did not get the chance. Instead, she returned to her work station.

Once back at their machine, Whiteside and Peterson were advised by the setup men that it was inoperable and that they were being reassigned to a different machine, also located in cell 5. As they were about to start up the other machine, they saw a group of employees from cell 2, including Larkin, walking toward the cafeteria, by cell 5. Other employees joined them as they passed the other cells on their way to the breakroom. As they went by cell 5, Whiteside shouted to them, asking them what was going on. The employees in the group replied that there was a meeting in the cafeteria. Peterson knew that the meeting concerned the pay changes, so she shut down her machine and she and Whiteside joined the group headed for the cafeteria. At this time, it was a little after 10 a.m.

Beaty testified that he was working on a machine shortly after the morning break when several people told him that there was going to be a meeting in the cafeteria. He and virtually every other employee went to the cafeteria to attend the meeting.

On arriving at the cafeteria, all the employees just sat around and waited for someone in management to appear. After the entire employee complement had gathered in the cafeteria, they were joined there by several members of management, supervisors, and office staff. It was clear that the employees were angry about the pay changes and wanted an explanation.

Keegan addressed the assemblage. He called the meeting to order but denied that he had called it initially. He then read the pay change memo aloud to those present and invited questions. Whiteside asked if the pay changes contained in the memo were final and Keegan said that they were. After several more questions were asked and there were no more, Keegan released the employees to return to work. The meeting lasted between 30 minutes and an hour.

During the meeting, when Keegan was asked if the pay changes described in the memo were final, and he replied that they were, one cell 6 employee, Dianne Glass, left the meeting and returned to her work station to catch up on some paperwork. She had attended for just a few minutes.

When Glass returned to cell 6 and began to work, Anita Berry, an employee who was employed in the quality assurance office, came by and asked Glass if she had not known about the meeting. Glass replied that she had known about it, that Linda had told her about it, and that she had attended. She added that she thought ''it [Keegan's remarks] was bullshit'' and had left early. Berry did not respond. The meeting broke up about noon.

When Glass told Berry that Linda had told her about the meeting, she was telling the truth. She testified that she was at work that morning in cell 6 and that Peterson merely said, as she passed by, that everybody was going to the cafeteria for a meeting and that Glass could go if she wanted. Peterson asked Glass to pass the word. The conversation lasted only 30 seconds.

Later in the day, still on November 12, Berry came over to Glass and asked her if she would be willing to sign a paper to the effect that it was Peterson who had told her about the meeting. Glass agreed to sign such a document but then asked Berry why she wanted her to do so. Berry replied that Viana wanted to narrow it down and find out who had actually started the meeting. Berry asked Glass if she would write it out. Glass agreed to do so and Berry left. Glass, however, did not write the report as she had promised. Still later, the same day, or the following day, Berry once again approached Glass. She told Glass that she had typed up the report for Glass and wanted her to come in sometime and sign it. When Glass failed to visit Berry's office voluntarily and sign the document, Berry had her paged to the quality assurance office and directed her to sign the document. This was probably on November 13.

After the meeting on November 12, the employees, including Whiteside and Peterson, returned to their work stations but continued to discuss their dissatisfaction with the prospective pay system changes. A few days after the November 12 meeting, Peterson, Whiteside, Miles, and Larkin were seated together in the cafeteria. Larkin asked the others if they knew that Viana was trying to find out who had started the November 12 meeting. Peterson suggested that no one in particular had started the meeting, so Respondent could not blame any one.

On November 20, just before the end of the shift, Whiteside and Peterson were summoned to the office. Present were Keegan, Rasso, and Pat Clougherty, the new director of human resources, replacing Keegan in that position. Whiteside asked why they had been called to the office. Clougherty replied that they, Whiteside, and Peterson, had been seen on November 12 going from cell to cell, instructing employees to stop working and go to a meeting. Both Whiteside and Peterson denied the accusation. Clougherty countered that he had in his possession signed affidavits to support his charge, then handed each of the employees an employee report form which charged them with violating rule A-1. Under the heading ''Company Statement,'' was typed:

> On 11/12/92,[2] you were observed going from Cell to Cell instructing employees to assemble in the lunch room for a meeting due to the Company announcing a change in the method of paying plant personnel every two weeks instead of one. This act is in direct violation of plant rule A-1 . . . .

After reading the company statement, Whiteside said that she agreed with half of it. Peterson said the same thing, that on the day in question, she and Whiteside had been going from cell to cell but she denied the rest of the Respondent's assusation. Clougherty directed Whiteside and Peterson to write down on the form, in a space provided, what they agreed and disagreed with in the company statement and to sign it. Whiteside and Peterson complied with Clougherty's instructions. Clougherty and Keegan then advised Whiteside and Peterson that they had been very good workers in the past, that their activity on November 12 would be further investigated but that, in the meantime, they were suspended indefinitely. Clougherty said that, after further investigation, he would meet with Viana and the supervisory staff and then get in touch with Whiteside and Peterson.

That evening, Whiteside called Viana to tell her what had occurred earlier in the day. Viana seemed confused until Clougherty who was with her and listening on the speaker phone, explained the suspension of Whiteside and Peterson to Viana. Viana then told Whiteside that she and Peterson had violated rule A-1 and that Clougherty would handle the situation. Clougherty then spoke directly to Whiteside and complained that he had already told her that he would be in touch with her.

Just before Thanksgiving, Clougherty called Peterson at her home. He advised her that Viana was going away over the holidays and that after her return he would let her and Whiteside know about their suspensions.

On November 23, Whiteside wrote a statement containing her version of what had occurred on November 12. After signing it, she had it notarized. The following day she had Peterson sign an identical copy of the statement which was also notarized. On the following Monday, Whiteside and Peterson took their notarized statements to the plant to give to Clougherty. When Clougherty was called out to the reception area, he was angry and began screaming at them, wanting to know why they were there. He stated that he had told them that he would contract them. Whiteside defended her presence by explaining that she had been waiting for his phone call which never came and also wanted to give him a copy of her notarized statement. She offered him a copy of her statement, but he refused to accept it. He said he would be in contact with them and Whiteside and Peterson then left. Later that day, Whiteside found a message on her answering machine from Clougherty to the effect that she and Peterson should appear the following day at his office at 1 p.m.

On November 24, Whiteside and Peterson met, as scheduled, with Clougherty, Keegan, and Corporate Counsel Anne Lynch. Clougherty asked Whiteside for her side of the story. She handed him a copy of her affidavit. After reading it, he passed it around to Lynch and Keegan. Clougherty then asked if that was all Whiteside and Paterson had to say. Whiteside said it was, but asked if she could have copies of the sworn statements of employees on which Respondent had relied in suspending her and Peterson. Whiteside's request was refused. She then asked how long the investigation was going to continue. Clougherty replied that this was a company with a business to run, and could not spend all of its time investigating this situation. Whiteside asked if he could give her some idea when she could hear from him. He replied that after Viana returned, he would give her the statements and would then get back to Whiteside. Thereafter, Whiteside called Clougherty and, in return, received messages to the effect that the affidavits were on Vianas' desk, but she had not yet been in to review them.

Toward the end of November, Whiteside made one final call to Clougherty. He told her it was out of his hands and that Jo Anna Bergman, Viana's assistant, was now handling the matter, and that no decision had been made.

Neither Whiteside nor Peterson heard anything more from Respondent so Whiteside, on November 30, filed the charge in the instant case on behalf of both. Service was on December 1.

On December 9, Respondent sent identical letters to Whiteside and Peterson notifying them that they were terminated for violating rule A-1 of the Company's plant rules of conduct and safety manual on October 12.

Conclusion

The record clearly indicates that Whiteside and Peterson, on November 12, joined other employees in engaging in concerted activity which is protected under Section 8(a)(1) of the National Labor Relations Act. The record is equally clear that Respondent, on November 20, suspended them and, on December 9, terminated them because they engaged in the above-described protected concerted activity. Thus, the Respondent violated Section 8(a)(1) of the Act.[3]

Respondent takes the position that its termination of Whiteside and Peterson was warranted because before they caused a work stoppage they should have used other available avenues to address the pay system change. I find Respondent's defense to be without merit.

III. THE EFFECT OF THE UNFAIR LABOR PRACTICES ON COMMERCE

The activities of the Respondent set forth in section II, above, occurring in connection with the operations of the Respondent described in section I, above, have a close, intimate, and substantial relationship to trade, traffic, and commerce among the several States and tend to lead to labor disputes, burdening and obstructing commerce, and the free flow of commerce.

IV. THE REMEDY

Having found that Respondent has engaged in unfair labor practices violative of Section 8(a)(1) of the Act, I shall recommend that it be ordered to cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

Having found that the Respondent unlawfully suspended, then discharged, Linda Whiteside and Linda Peterson, I shall recommend that the Respondent be ordered to offer them im-

[2] Whiteside's copy was misdated.

[3] *City Dodge Center*, 289 NLRB 194 (1988).

mediate reinstatement to their former positions or, if such jobs no longer exist, to substantially equivalent positions, without loss of seniority or other rights and privileges, discharging if necessary any replacements, and make them whole for any loss of earnings they may have suffered by reason of the discrimination against them by payment to them of a sum of money equal to the amounts that they normally would have earned from the date of their suspensions and discharges to the date on which bona fide offers of reinstatement are made, in accordance with *F. W. Woolworth Co*., 90 NLRB 289 (1950), with interest thereon computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987). See also *Isis Plumbing Co*., 138 NLRB 716 (1962). I shall also recommend that Respondent be required to post an appropriate notice and to remove from its records any references to the discharges of Linda Whiteside and Linda Peterson and to provide them with written notices of such removal and of the fact that their discharges will not be used as a basis for further personnel actions against them.[4]

CONCLUSIONS OF LAW

1. Respondent is, and at all times material has been, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

2. Respondent violated Section 8(a)(1) of the Act by suspending and discharging Linda Whiteside and Linda Peterson in order to discourage employees from engaging in protected concerted activities, thus interfering with, restraining, and coercing employees in the exercise of rights guaranteed them by Section 7 of the Act.

3. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended[5]

ORDER

The Respondent, Wittek Industries, Inc., Galesburg, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Suspending or discharging any employee because that employee has engaged in protected concerted activity.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Offer to Linda Whiteside and Linda Peterson immediate and full reinstatement to their former positions, without prejudice to their seniority and other rights and privileges, dismissing, if necessary, any replacement, and make them whole for any lost earnings resulting from the discrimination against them by payment of a sum determined in accordance with the formula set forth in the remedy section of this decision.

(b) Remove from its files any references to the November 20, 1992 indefinite suspensions and the December 9, 1992 discharges of Linda Whiteside and Linda Peterson and notify them in writing that it has done so and that evidence of their suspensions and discharges will not be used as a basis for future personnel action against them.

(c) Preserve and, on request, make available to the Board or its agents, for examination and copying, all payroll records, social security payments records, timecards, personnel records and reports, and all other records necessary to analyze the amounts of backpay due under the terms of this recommended Order.

(d) Post at its plant in Galesburg, Illinois, copies of the attached notice marked ''Appendix.''[6] Copies of the notice on forms provided by the Regional Director for Region 33, after being signed by the Respondent's representative, shall be posted by it immediately upon receipt and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(e) Notify the Regional Director in writing within 20 days from the date of this Order what steps the Respondent has taken to comply.

[4] See *Sterling Sugars*, 261 NLRB 472 (1982).

[5] If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

[6] If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading ''Posted by Order of the National Labor Relations Board'' shall read ''Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board.''

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Board Act and has ordered us to post and abide by this notice.

WE WILL NOT discharge or suspend employees, or in any other manner discriminate against them in regard to their tenure of employment or other term or condition of their employment because they engaged in concerted activities protected by the Act for mutual aid or protection with respect to wages, hours, or other terms and conditions of employment.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL offer to Linda Peterson and Linda Whiteside immediate and full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights and privileges previously enjoyed, and WE WILL make them whole for any loss of earnings and other benefits suffered by reason of their unlawful suspensions and discharges.

WE WILL remove from our files any references to the November 20, 1992 indefinite suspensions and the December 9, 1992 discharges of Linda Peterson and Linda Whiteside and notify them in writing that we have done so and that evidence of their suspensions and discharges will not be used as a basis for future personnel action against them.

WITTEK INDUSTRIES, INC.